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3738



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rosenthal *et al.*

Serial No.: 10/062,794

Group Art Unit: 3738

Filed: January 31, 2002

Examiner: To be assigned

For: MEDICAL DEVICE FOR DELIVERING
BIOLOGICALLY ACTIVE MATERIAL

Attorney Docket No.: 101-999

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TECHNOLOGY CENTER R3700

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the reference AX listed on the attached revised form PTO 1449. A copy of reference AX is submitted herewith.

Identification of the listed reference is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." As an alternative, Applicants submit herewith a "revised form PTO 1449" entitled "List of References Cited" instead of "List of Prior Art Cited."

Pursuant to 37 C.F.R. § 1.97(b)(1), since this Information Disclosure Statement is being filed within three (3) months of the filing date, no fee is believed due. If a fee is required please charge the necessary amount to Pennie & Edmonds LLP Deposit Account No. 16-1150.

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Applicants respectfully request that the Examiner review the foregoing reference and that the reference be made of record in the file history of the application.

Respectfully submitted,

Gidon D. Stern

Date April 25, 2002

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Enclosures